

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CRYSTALLEX INTERNATIONAL CORP.,

Plaintiff,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

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C.A. No. 17-mc-00151-LPS

NOTICE OF APPEAL

Pursuant to Federal Rules of Appellate Procedure 3 and 4 and the collateral order doctrine, notice is hereby given that Petróleos de Venezuela, S.A. (“PDVSA”), intervenor in the above-captioned action, hereby appeals to the United States Court of Appeals for the Third Circuit from the Order of this Court entered on August 9, 2018 [D.I. 78] (the “Order”), which denied PDVSA’s cross-motion to dismiss for lack of subject matter jurisdiction under the Foreign Sovereign Immunities Act, 28 U.S.C. §§ 1330, 1602, *et seq.* Because the Order denies PDVSA’s sovereign immunity, it is immediately appealable under the collateral order doctrine. *See Fed. Ins. Co. v. Richard I. Rubin & Co.*, 12 F.3d 1270, 1281, 1282 (3d Cir. 1993) (holding that district court’s denial of a claim of foreign sovereign immunity is immediately appealable under the collateral order doctrine); *Princz v. Fed. Republic of Germany*, 998 F.2d 1, 1 (D.C. Cir. 1993) (*per curiam*) (Wald, J., and Ginsburg, R.B., J.) (“a district court’s denial of a foreign state’s motion to dismiss on grounds of sovereign immunity is immediately appealable”).

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